GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:1665
ANSWERED ON:07.08.2006
EQUAL PAY FOR EQUAL WORK
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Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether women and children working in various sectors are getting equal pay for equal work;

(b) if not, the details thereof and the reasons therefor;

(c) whether any complaints have come to the notice of the Government with regard to non-implementation of the Equal Remuneration Act, 1976;

(d) if so, the details thereof alongwith the action taken thereon;

(e) whether the Hon`ble Supreme Court has given any directive regarding equal pay for equal work; and

(f) if so, the steps taken by the Government to implement the said directive?

Answer

MINISTER OF STATE IN THE MINISTRY OF LABOUR & EMPLOYMENT (SHRI CHANDRA SEKHAR SAHU)

(a) to (d): The Equal Remuneration Act, 1976 provides equal pay for equal work for both men and women. The enforcement of Equal Remuneration Act, 1976 in the Central Sphere lies with the Chief Labour Commissioner (Central) whereas for the State`s Sphere, the enforcement of the Act lies with the respective State Government. No notice or complaint has been received so far by the Central Government regarding non-implementation of the Equal Remuneration Act, 1976.

(e): The Supreme Court in the case of Hindustan Antibiotics Ltd. Vs. workmen - (AIR 1967 SCC 1948) held that Article 39 of the Constitution under Directive Principles of the State Policy says that State shall direct its policy towards securing equal pay for equal work for both men & women and Article 43 thereof enjoins on the State to endeavour to secure, by a suitable legislation or economic organization or any other way, to all workers, agricultural, industrial or otherwise, work, living wage, conditions of work, ensuring a decent standard of life and full enjoyment of major and cultural social opportunities.

Subsequently, there have been several judgements wherein the Hon`ble Court, inter alia, held that the principle of equal pay for equal work is a facet of right to equality enshrined under Article 14 and 16 of the Constitution. Later, in another judgement, the Hon`ble Court held that the application of the doctrine of equal pay for equal work as enshrined in Article 14 and 39 of the Constitution depends upon the conditions of the service, etc. Thus, for the application of the doctrine, the post held should be identical.

(f): Central Government is regularly monitoring the implementation of the Act by the respective State Governments. Instructions are issued by the Central Government from time to time to the State Governments for effective enforcement of Equal Remuneration Act, 1976.